

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

MICHAEL P. AND SHELLIE GILMOR, et
al.,

Plaintiffs,

vs.

PREFERRED CREDIT CORPORATION.,
et al.,

Defendants.

Case No. 4:10-cv-00189-ODS

**MOTION FOR LEAVE TO FILE
REPLY SUGGESTIONS IN EXCESS OF 10 PAGES**

Pursuant to W.D.Mo.R. 7.1(f) Plaintiffs hereby move this Court for leave to file their Reply to the Removing Defendants' Suggestions in Opposition to the Plaintiffs' Motion to Remand in excess of 10 pages. Plaintiffs seek leave to file Suggestions not exceeding 15 pages. In support of this Motion, Plaintiffs state as follows:

1. On June 27, 2000, Plaintiffs filed this class action lawsuit in the Circuit Court of Clay County, Missouri.
2. On February 26, 2010, Defendants U.S. Bank N.A., U.S. Bank N.A., N.D., Wilmington Trust Company and Empire Funding Home Loan Owner Trust 1998-1 (collectively, the "Removing Defendants"), filed a Notice of Removal which contends that this Court has subject matter jurisdiction over Plaintiffs' claims under 12 U.S.C. § 1819.
3. On March 18, 2010, Plaintiffs filed a Motion to Remand, accompanied by Suggestions in Support, on the basis that this Court is without subject matter jurisdiction over the case, or in the alternative, that the Notice of Removal is not timely.

4. On April 5, 2010, the Removing Defendants filed their Suggestions in Opposition to Plaintiffs' Motion to Remand.

5. Plaintiffs now wish to file their Reply to those Suggestions in Opposition, but need more than the 10 pages allowed (absent leave of court) by Local Rule 7.1(f) in order to adequately respond to the issues raised in the Removing Defendants' Suggestions.

6. The requested extension of page length is submitted in good faith, is not for the purpose of delay or harassment, and will not prejudice any party to this suit.

WHEREFORE, Plaintiffs respectfully request leave to file their Reply to the Removing Defendants' Suggestions in Opposition to the Plaintiffs' Motion to Remand in excess of the page limit prescribed in Rule 7.1(f), but not to exceed 15 pages.

Dated: April 22, 2010

Respectfully Submitted,

WALTERS BENDER STROHBEHN
& VAUGHAN, P.C.

By /s/ R. Frederick Walters
R. Frederick Walters-Mo. Bar 25069
J. Michael Vaughan - Mo. Bar 24989
Kip D. Richards - Mo. Bar 39743
David M. Skeens -Mo. Bar 35728
Eric M. Shimamoto – Mo. Bar 58990
2500 City Center Square
1100 Main Street
Kansas City, MO 64196
(816) 421-6620
(816) 421-4747 (Facsimile)

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document was filed electronically with the United States District Court for the Western District of Missouri, Western Division, with notice of case activity to be generated and sent electronically by the Clerk of the Court to all designated persons this **22nd day of April 2010**, and a copy mailed by United States mail, first-class postage prepaid, addressed to the following individuals who are not designated to receive ECF notice from the Court:

Paul R. Dieseth
Dorsey & Whitney LLP
50 South 6th
Suite 1500
Minneapolis, MN 55402

Peter W. Carter
Dorsey & Whitney LLP
50 South 6th St
Suite 1500
Minneapolis, MN 55402

/s/ R. Frederick Walters

Attorney for Plaintiffs